IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 11TH OCTOBER 2007 / 19TH ASWINA 1929

WP(C).No. 25079 of 2007(I)

PETITIONERS;
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1. **T.A.TONY, THADICARAN HOUSE,**
   EDATHIRUTHY - 680 673.

2. **ROSAMMA TONY,**
   THADICARAN HOUSE, EDATHIRUTY - 680 673.

3. **MINU T.T., THADICARAN HOUSE,**
   EDATHIRUTHY - 680 673.

BY ADV. SRI.V.M.KURIAN
SRI.MATHEW B. KURIAN
SRI.K.T.THOMAS

RESPONDENTS:
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1. **UCO BANK, KAVERI BUILDINGS,**
   CLOTH BAZAR ROAD, KOCHI - 682 031,
   REPRESENTED BY ITS MANAGER.

2. **THE AUTHORISED OFFICER,**
   UCO BANK, KAVERI BUILDINGS,
   CLOTH BAZAR ROAD, KOCHI - 682 031.

3. **THE RESERVE BANK OF INDIA,**
   CENTRAL OFFICE, MUMBAI - 400 001.

BY ADV. SRI.GEORGE KARITHANAM VARGHESE
SRI.V.J.JOHN
SRI.JOSE KURIAKOSE (VILANGATTIL)
SRI.JACOB VARGHESE, SC FOR R.B.I.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE CIRCULAR DTD. 01/07/2006 ISSUED BY THE 3RD RESPONDENT.

EXT.P2: COPY OF THE NOTICE DTD. 17/05/2007 ISSUED BY THE 2ND RESPONDENT TO THE 1ST PETITIONER.

EXT.P3: COPY OF THE NOTICE DTD. 17/05/2007 ISSUED BY THE 2ND RESPONDENT TO THE 2ND PETITIONER.

EXT.P4: COPY OF THE NOTICE DTD. 17/05/2007 ISSUED BY THE 2ND RESPONDENT TO THE 2ND PETITIONER.

EXT.P5: COPY OF THE NOTICE DTD. 17/05/2007 ISSUED BY THE 2ND RESPONDENT TO THE 2ND PETITIONER.

EXT.P6: COPY OF THE NOTICE DTD. 17/05/2007 ISSUED BY THE 2ND RESPONDENT TO THE 3RD PETITIONER.

EXT.P7: COPY OF THE NOTICE DTD. 17/05/2007 ISSUED BY THE 2ND RESPONDENT TO THE 3RD PETITIONER.

EXT.P8: COPY OF REPLY NOTICE DTD. 07/07/2007 ISSUED TO THE 2ND RESPONDENT.

EXT.P9: COPY OF THE LETTER DTD. 17/07/2007 ISSUED BY THE 2ND RESPONDENT.

1ST RESPONDENT'S EXHIBITS:

EXT.R1-1: COPY OF STATEMENT OF MEANS DTD. 2/01/2006 OF MR.T.A.TONY.

EXT.R1-2: COPY OF STATEMENT OF MEANS DTD. 28/11/2005 OF MRS.ROSAMMA TONY.

EXT.R1-3: COPY OF STATEMENT OF MEANS DTD. 26/11/2005.

EXT.R1-4: COPY OF REGISTERED LETTER DTD. 10/11/2006 ADDRESSED TO MR.T.A.TONY BY UCO BANK, ERNAKULAM BR.

EXT.R1-5: COPY OF REGISTERED LETTER DTD. 11/12/2006 ADDRESSED TO MR.T.A.TONY BY UCO BANK, ERNAKULAM BR.

EXT.R1-6: COPY OF REGISTERED LETTER DTD. 20/02/2007 ADDRESSED TO MR.T.A.TONY BY UCO BANK, ERNAKULAM BR.

EXT.R1-7(A): COPY OF REGISTERED LETTER DTD. 10/11/2006 ADDRESSED TO MRS.ROSAMMA TONY BY UCO BANK, ERNAKULAM BR.

EXT.R1-7(B): COPY OF REGISTERED LETTER DTD. 10/11/2006 ADDRESSED TO MRS.ROSAMMA TONY BY UCO BANK, ERNAKULAM BR.

EXT.R1-8(A): COPY OF REGISTERED LETTER DTD. 11/12/2006 ADDRESSED TO MRS.ROSAMMA TONY BY UCO BANK, ERNAKULAM BR.

EXT.R1-8(B): COPY OF REGISTERED LETTER DTD. 11/12/2006 ADDRESSED TO MRS.ROSAMMA TONY BY UCO BANK, ERNAKULAM BR.

EXT.R1-9(A): COPY OF REGISTERED LETTER DTD. 20/02/2007 ADDRESSED TO MRS.ROSAMMA TONY BY UCO BANK, ERNAKULAM BR.

EXT.R1-9(B): COPY OF REGISTERED LETTER DTD. 20/02/2007 ADDRESSED TO MRS.ROSAMMA TONY BY UCO BANK, ERNAKULAM BR.

EXT.R1-10(A): COPY OF REGISTERED LETTER DTD. 10/11/2006 ADDRESSED TO MISS.MINU TT BY UCO BANK,ERNAKULAM BR.

EXT.R1-10(B): COPY OF REGISTERED LETTER DTD. 16/11/2006 ADDRESSED TO MISS.MINU TT BY UCO BANK,ERNAKULAM BR.

EXT.R1-11(A): COPY OF REGISTERED LETTER DTD. 11/12/2006 ADDRESSED TO MISS.MINU TT BY UCO BANK,ERNAKULAM BR.

EXT.R1-11(B): COPY OF REGISTERED LETTER DTD. 11/12/2006 ADDRESSED TO MISS.MINU TT BY UCO BANK,ERNAKULAM BR.

EXT.R1-12(A): COPY OF REGISTERED LETTER DTD. 20/02/207 ADDRESSED TO MISS.MINU TT BY UCO BANK,ERNAKULAM BR.

EXT.R1-12(B): COPY OF REGISTERED LETTER DTD. 20/02/2007 ADDRESSED TO MISS.MINU TT BY UCO BANK,ERNAKULAM BR.

EXT.R1-13: COPY OF ANNEXURE TO MOC FOR REVERSAL OF INTEREST ON NPA ACCOUNT.

/TRUE COPY/

P.S.TO JUDGE

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ANTONY DOMINIC, J.

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W.P.(C) No. 25079 OF 2007 I
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Dated this the 11th October, 2007

J U D G M E N T

In this writ petition filed challenging Ext. P9 notice under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 this Court had passed an interim order dated 18-8-2007 requiring the petitioners to remit Rs.5 lakhs each in two instalments. This was not complied with and the time thereof was extended again by order dated 18-9-2007. It is submitted today that even within the extended time, the order has not been complied with. Therefore, the benefit of stay is not available to the petitioners.

2. On merits also, if at all the petitioners are aggrieved, the writ petition is not the remedy and if the petitioners are so advised, they may pursue the statutory remedy available. With that liberty the writ petition is closed.

ANTONY DOMINIC
JUDGE

jan/-